

Subd. 3. **DISCOVERY; SUBPOENAS.** In all matters pending before it relating to its lawful regulation activities, a board may issue subpoenas and compel the attendance of witnesses and the production of all necessary papers, books, records, documents, and other evidentiary material. Any person failing or refusing to appear or testify regarding any matter about which he may be lawfully questioned or produce any papers, books, records, documents, or other evidentiary materials in the matter to be heard, after having been required by order of the board or by a subpoena of the board to do so may, upon application to the district court in any district, be ordered to comply therewith; provided that in matters to which the peace officers standards and training board is a party, application shall be made to the district court having jurisdiction where the event giving rise to the matter occurred. The chairman of the board acting on behalf of the board may issue subpoenas and any board member may administer oaths to witnesses, or take their affirmation. Depositions may be taken within or without the state in the manner provided by law for the taking of depositions in civil actions. A subpoena or other process or paper may be served upon any person named therein, anywhere within the state by any officer authorized to serve subpoenas or other process or paper in civil actions, with the same fees and mileage and in the same manner as prescribed by law for service of process issued out of the district court of this state. Fees and mileage and other costs shall be paid as the board directs.

Sec. 6. This act is effective the day after final enactment.

Approved May 21, 1979.

CHAPTER 118—S.F.No.1436

An act relating to human services; altering provisions related to membership of human services boards; establishing procedures for planning by the boards; prescribing additional duties of the state planning officer; providing for reports by the board; amending Minnesota Statutes 1978, Sections 402.01; 402.02; 402.03; 402.04, Subdivision 1; 402.045; 402.05, by adding a subdivision; 402.06; 402.065; 402.07; and 402.095; and Chapter 402, by adding a section; repealing Minnesota Statutes 1978, Sections 402.046; and 402.05, Subdivision 2.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1978, Section 402.01, is amended to read:

402.01 **AGREEMENT.** Subdivision 1. One or more contiguous counties: ~~having an aggregate population of 50,000 or more persons or three or more contiguous counties~~ situated within the boundaries of the same region designated pursuant to sections 462.381 to 462.396 or chapter 473B, may, by resolution of their county boards of commissioners, designate a human services board having the composition, powers, and duties provided in sections 402.01 to 402.10.

Subd. 2. Any agreement pursuant to subdivision 1 shall be governed by sections 402.01 to 402.10 and section 471.59 provided that a county board may withdraw from the

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agreement only after one year's notice to all other counties party to the agreement which notice shall be delivered on or before the last day of the current fiscal year.

Subd. 3. Counties ~~intending to~~ may designate a temporary human services board, ~~pursuant to subdivision 1, may send by sending~~ written notification to each affected state agency ~~that will be affected~~, stating the intent to organize and develop a human services board. After the notification, the county board or county boards may act jointly under the provisions of this chapter for a period not to exceed six months one year from the date of the notification. ~~The county board or county boards are eligible for planning grants; not to exceed \$25,000; as may be available to develop human services programs. Applications for grants shall be made on forms approved by the state planning officer.~~

Sec. 2. Minnesota Statutes 1978, Section 402.02, is amended to read:

402.02 LOCAL BOARDS; COMPOSITION; POWERS; FUNDING. Subdivision 1. Human services boards shall be composed as follows:

(a) Not less than one county commissioner from each county party to the agreement, the commissioner or commissioners to be selected by the county board of the participating county; and

(b) Optional citizen members who in number shall not comprise more than one-third of the membership of the human services board, one of whom shall be the chairman of the human services advisory committee, appointed in a manner determined by the county boards which are party to the agreement.

Board members shall serve for terms of three years, so arranged that as nearly as practicable, the terms of one-third of the members shall expire each year. Vacancies shall be filled in the same manner as original appointments.

Subd. 1a. If a single county forms a human services board, the county board of commissioners may assume the powers and duties of a human services board.

Subd. 2. Notwithstanding the population requirements of Minnesota Statutes, Sections 145.911 to 145.922 and 245.61 to 245.69 and Chapter 401, a human services board shall possess all the powers and duties now assigned by law to:

(a) Manage the ~~existing~~ public resources devoted to human services delivered or purchased by the counties, which are subsidized or regulated by the departments of corrections, health, and public welfare;

(b) Employ staff to carry out the purposes of sections 402.01 to 402.10;

(c) Deliver services directly, or through contract with other governmental or nongovernmental providers;

(d) ~~Develop a~~ Plan for the delivery of human services, which shall include corrections services, public health services, public assistance, mental retardation services,

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social services, mental health services, and others of similar classification; ~~and shall show evidence of participation in the development of the plan by major private sector providers of related services;~~

(e) ~~Perform all clerical and accounting functions for the receipt and expenditure of~~ Receive and expend funds for the purposes of sections 402.01 to 402.10;

(f) Rent and purchase property and equipment; and

(g) ~~Existing~~ County health boards, county welfare boards, and ~~area~~ mental health boards; ~~and~~

(h) ~~If a single county has been authorized to establish a county welfare board composed solely of county commissioners, the board of commissioners is authorized to assume the responsibilities and duties of human services boards pursuant to this chapter, notwithstanding any other provision herein to the contrary relating to membership of the human services board.~~

Subd. 3. The county boards of commissioners, party to the agreement, shall determine the proportional financial responsibility of each county to support the programs and services of the board. The agreement may provide for payments by each county based upon use by residents of the county of a particular program or service provided, or by other arrangements as determined pursuant to the agreement. Each county shall be subject to applicable requirements of law concerning funding, and to existing limitations upon the authority to levy taxes, for any particular program or service.

Subd. 4. The departments of corrections, health, and public welfare shall provide funds from any grant or subsidy program or other authorized source to the human services board, based upon a an approved plan, which satisfies the standards and regulations of the individual state agency, and which represents all ~~The grant or~~ subsidy shall represent all money for human services which each agency commits to programs within counties comprising the human services board.

Sec. 3. Minnesota Statutes 1978, Section 402.03, is amended to read:

402.03 **ADVISORY COMMITTEE.** Each human services board shall appoint an advisory committee, which shall actively participate in the formulation of the plan for the development, implementation and operation of the programs and services by the board, and shall make a formal recommendation to the board at least annually concerning the annual budget of the board and the implementation of the plan during the ensuing year.

Membership on the advisory committee shall consist of no more than 25 persons serving two year terms not to exceed three consecutive terms. Up to one-half of the terms of the initial advisory committee may be for one year; upon their expiration all terms shall be for two years. The chairman shall be appointed by the human services board and may not be a member of a county board.

One-third of the members of the advisory committee shall be representatives of ~~Changes or additions indicated by underline deletions by strikeout~~

those persons receiving services provided by the human services board. Up to one-third may be providers or employees of providers of services and must include representatives of private providers if such providers exist in the county or counties party to the agreement. At least one member shall be a member of the health advisory committee established pursuant to section 145.913, subdivision 3, if any. At least one member shall be a member of the corrections advisory board established pursuant to section 401.08, if any. The remaining members shall represent the citizens of the counties.

The advisory committee shall appoint ~~at least three~~ permanent task forces to assist ~~it in its functions: planning for~~ corrections, social ~~and~~, mental health ~~services~~, and public health services.

Task force membership shall be constituted to fulfill state agency requirements for receiving categorical funds. Where appropriately constituted, these task forces may, at the option of the human services boards, replace those advisory bodies required by statute and regulation to advise county welfare boards and other county and area boards. Individuals not members of the advisory committee may be appointed to the task forces; provided, however, that each task force shall be chaired by a member of the advisory committee.

The human services board shall provide staff assistance to the advisory committee.

Sec. 4. Minnesota Statutes 1978, Section 402.04, Subdivision 1, is amended to read:

402.04 DELEGATION OF FUNCTIONS; FINANCIAL AID; STANDARDS; REPORTS. Subdivision 1. The ~~commissioner~~ commissioners of corrections, ~~state commissioner~~ of health, and ~~commissioner~~ of public welfare may, without reference to the provisions of chapter 15, delegate any duty, authority, or responsibility vested in their respective departments relative to any program or service presently provided by the state, to any human services board which has in effect an approved plan for the affected program or service. The authority granted under this section shall include the authority to transfer to a human services board that portion of any unexpended appropriation which represents a saving to the department concerned by virtue of the assumption by the board of the duty, authority, or responsibility so delegated. No state employee shall be involuntarily terminated from employment by any action under this section.

Sec. 5. Minnesota Statutes 1978, Section 402.045, is amended to read:

402.045 FUNCTION OF STATE PLANNING OFFICER. The state planning officer shall have authority for human services development. He may appoint professional and clerical staff as he deems necessary. ~~The positions shall be established in the unclassified civil service pursuant to section 43.05, for a period not to exceed two years. The state planning officer shall:~~

(1) Support the development of human services boards and provide technical assistance to the boards;

(2) Disburse and monitor grants as may be available to assist human services board

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development;

(3) Receive and coordinate the review of annual human services board plans;

(4) Cooperate with other state agencies in assisting local human services integration projects; and

(5) Maintain a file on reports, policies and documents pertaining to human services boards.

Sec. 6. Minnesota Statutes 1978, Section 402.05, is amended by adding a subdivision to read:

Subd. 1a. Each human services board shall appoint a director, who shall serve at the pleasure of the human services board. The director shall by training and experience demonstrate management and administrative skills. The commissioner of public welfare, with the approval of the commissioners of health and corrections, shall establish, by rule, continuing education requirements for human services board directors.

Sec. 7. Minnesota Statutes 1978, Section 402.06, is amended to read:

402.06 **IMPLEMENTATION.** Subdivision 1. Each state agency affected by action taken pursuant to section 402.01, shall assign personnel to assist the board in preparing its organization and initial plan. Within ~~six months~~ one year of its creation, each human services board shall present its initial plan and budget to affected state agencies; ~~which shall review and approve or reject the plan in writing within 60 days of its receipt.~~

~~Prior to adoption of the plan by the human services board there shall be a public hearing on the plan. As far as practicable, the human services board shall annually publish or otherwise circulate notice of its proposed plan and afford interested persons opportunity to submit data or views orally or in writing.~~

Subd. 2. After the initial planning period and upon the designation of a human services board, the board shall transmit copies of the agreement documents to each affected state agency, the regional development commission and the governor.

~~Two or more counties organizing a human services board pursuant to section 402.01, and which have completed the planning and approval process required in subdivision 1, may apply to the commissioner of administration for an implementation grant, not to exceed \$75,000, for a period of one year. Applications for grants shall be made on forms approved by the state planning officer.~~

Subd. 3. Not later than 365 days after approval of the initial human services board plan and budget by affected state agencies any county board, committee or commission having authorities or duties in the areas designated in section 402.02, subdivision 2, shall cease its operation and no per diem or reimbursement of expenses shall be paid to any member of the board, committee or commission.

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Sec. 8. Minnesota Statutes 1978, Chapter 402, is amended by adding a section to read:

[402.062] PLANS. Subdivision 1. The human services board, with the assistance of the advisory committee established in section 402.03, shall annually prepare a single plan and budget for the development, implementation, coordination and operation of services delivered or funded by the human services board. The plan shall be in a format developed by rule of the state planning agency. Each affected state agency shall accept the plan of the human services board in lieu of separate plan requirements for individual programs. To support the development of the budget and to provide standardized information to affected state agencies, each human services board shall adopt a standard chart of accounts to be developed by rule by the commissioner of public welfare with the approval of the commissioners of health and corrections.

Subd. 2. Prior to adoption of the plan by the human services board, the board shall hold a public hearing. The human services board shall make copies of the plan available to the public for review and shall invite written and oral comments. The human services board shall show evidence of participation by private service providers in the development of the plan and shall encourage their comments regarding the use of governmental and nongovernmental service providers.

Subd. 3. Each affected state agency shall review the plan and shall approve or reject it based on the rules in effect for the programs under its jurisdiction. Notice of approval or rejection shall be delivered to the board in writing within 60 days of plan submission.

Sec. 9. Minnesota Statutes 1978, Section 402.065, is amended to read:

402.065 BUDGET, LEVY; AUDIT. On or before the first day of July each year in conjunction with the county budget setting process, the human services board shall submit to each county board of commissioners participating in the human services board an estimate of the amount needed by it to perform its duties, including expenses of administration, and, if approved, each county shall levy a tax as provided by law for these purposes. In the event the estimate is not approved, each county board of commissioners participating in the human services board shall confer with the human services board, develop a budget and levy a tax for the amount required. The state auditor shall audit the books and accounts of the human services board once each year. The human services board shall pay to the state the total cost and expenses of the examination, including the salaries paid to auditors while actually engaged in making the examination. The revolving fund of the state auditor shall be credited with all collections made for any examination.

Sec. 10. Minnesota Statutes 1978, Section 402.07, is amended to read:

402.07 TERMINATION. The county boards party to an agreement to designate a human services board may terminate the agreement and no longer manage the public resources devoted to human services in their counties but only on notice of an intention to terminate delivered to the ~~commissioner~~ commissioners of public welfare, ~~state commissioner~~ of health, and ~~commissioner~~ of corrections not less than 90 days before the

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effective date of the termination. On the termination all public resources devoted to human services shall be managed in accordance with the provisions of law then in effect ~~on June 30, 1973.~~

Sec. 11. Minnesota Statutes 1978, Section 402.095, is amended to read:

402.095 **REPORTS TO LEGISLATURE.** The state planning agency shall report to the legislature biennially not later than January ~~4~~ of each legislative session 15 of odd numbered years on the experience of human services boards ~~established pursuant to Laws 1977, Chapter 411.~~ The report shall include an assessment of the effect of establishment of human services boards on the cost and quality of services provided.

Sec. 12. **REPEALER.** Minnesota Statutes 1978, Sections 402.046; and 402.05, Subdivision 2, are repealed.

Approved May 21, 1979.

CHAPTER 119—H.F.No.191

An act relating to state lands; providing for the conveyance of certain lands to the city of Hastings; providing for the conveyance of certain land to the city of Ely.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. The commissioner of administration shall convey the state lands described in this section with the buildings and other improvements on them to the city of Hastings for a nominal consideration. The conveyance shall be in a form approved by the attorney general. The following lands in the city of Hastings, county of Dakota, state of Minnesota shall be conveyed:

All that part of the Northeast Quarter of the Northeast Quarter of Section 34, Township 115 North, Range 17 West lying north of the center line of Minnesota Highway 291, north of the undesignated road which leads from Minnesota Highway 291 to the north side of Building 25, and south of the undesignated public road which is an extension of East 10th Street and formerly known as Minnesota Highway 291.

Also, all that part of the Southeast Quarter of the Southeast Quarter of Section 27, Township 115 North, Range 17 West lying south of the undesignated public road which is an extension of East 10th Street and formerly known as Minnesota Highway 291, with the exception of the fence-enclosed Veterans Home sewage disposal plant area. Title to the land conveyed pursuant to this section shall revert to the state if, at any time, the land is not used for public and recreational purposes.

Sec. 2. The governor, upon the recommendation of the commissioner of administration, shall transfer and convey, without monetary consideration, by quitclaim deed in a form the attorney general approves, to the city of Ely, Minnesota, a tract of

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